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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Islamic Republic of Iran

1. The existence of thousands of nuclear weapons continues to pose a serious security threat to the very survival of humankind. As long as nuclear weapons exist, the risk of their possible use or threat of use persists. Therefore, the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use.

2. Nevertheless, pending the realization of the total elimination of nuclear weapons, and as an interim measure only, there should be assurances that such weapons would never be used. This would serve the security interest of all nations, promote the objective of nuclear disarmament and non-proliferation and enhance international peace and security. It is the legitimate right of all non-nuclear-weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

3. Since 1946, there have been repeated calls by the overwhelming majority of the non-nuclear-weapon States, in numerous resolutions of the General Assembly, for the realization of the effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made in almost all Final Documents of the Review Conferences of the Treaty.

4. While some provocative and destabilizing policies and measures, such as the improvement of existing nuclear weapons as well as the development of new types of such weapons, in particular tactical nuclear weapons — which, by reducing the threshold for their use, gives rise to fears of the use of these inhumane weapons — the abrogation of the Anti-Ballistic Missile Treaty and the acts of some nuclear-weapon States in nuclear-weapon sharing and deploying hundreds of nuclear weapons and global missile defence systems in other countries, continue to

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negatively impact the security of the non-nuclear-weapon States parties to the Non-Proliferation Treaty, regrettably, no substantial achievement has yet been reached on granting security assurances to such States.

5. At the same time, relevant unilateral statements by nuclear-weapon States are very limited, conditional and insufficient and above all can justify the use of such weapons by resorting to such vague and undefined concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners".

6. Under the nuclear strategies, concepts and policies of certain nuclear-weapon States and a certain nuclear alliance, the use of nuclear weapons against the non-nuclear-weapon States in specific circumstances is authorized. For instance, according to the Nuclear Posture Review of a nuclear-weapon State, the possibility to "use or threaten to use nuclear weapons against non-nuclear-weapons States that are party to the Non-Proliferation Treaty" has been envisaged.

7. While it is argued by nuclear-weapon States that the negative security assurances should be granted only in the context of the nuclear-weapon-free zones — which, of course, is rejected by the Islamic Republic of Iran and many other countries — firstly, the respective protocols of some treaties establishing such zones have not been signed or ratified by one or more nuclear-weapon States; secondly, the protocols additional to a certain such treaty have been signed and ratified by nuclear-weapon States, but with reservations and interpretative declarations contrary to the object and purpose of such instruments, and therefore, in practice, to date, none of the existing nuclear-weapon-free zones have received "unconditional and irrevocable legally binding assurances"; and thirdly, the prospects for the establishment of a nuclear-weapon-free zone in some regions such as the Middle East is quite unclear due to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

8. As it has been confirmed in various resolutions of the General Assembly and also stressed, in recent years, in the deliberations of the Conferences on the Humanitarian Impacts of Nuclear Weapons, any nuclear weapon detonation will lead to immediate, indiscriminate and massive death and destruction and long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the life of present and future generations.

9. As the International Court of Justice, in its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, decided, "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons", and "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law". Therefore, as any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law and would constitute a crime against humanity, there should be an assurance against the use or threat of use of these illegal, inhumane and illegitimate weapons.

10. Taking into account the aforesaid facts and observations, in the view of the Islamic Republic of Iran, the full realization of the right of all non-nuclear-weapon

States parties to the Treaty to receive such assurances is of crucial importance and needs to be addressed by the Review Conference as a matter of priority and through the establishment of a subsidiary body on security assurances.

11. To that end, the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is recommended to adopt a separate "decision on negative security assurances", containing the following elements:

Extremely concerned by immediate, indiscriminate and massive death and destruction caused by any use of nuclear weapons and its long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the life of present and future generations;

Underscoring that any use or threat of use of nuclear weapons would seriously undermine the very foundations, integrity, credibility and thus sustainability of the Treaty and would be contrary to its object and purpose;

Affirms that any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law and would constitute a crime against humanity, and resorting to Article 51 of the Charter to do so is also not justified;

Confirms that all the nuclear-weapon States unequivocally undertake to refrain, under any and all circumstances and without discrimination or exception of any kind, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;

Reaffirms, pending the total elimination of nuclear weapons as the only absolute guarantee against their use or threat of use, the need for an interim measure to realize the right and legitimate interest of all non-nuclear-weapon States parties to the Treaty to receive such negative security assurances;

Confirms, in this regard, that all the nuclear-weapon States solemnly undertake, in line with their obligations and commitments under the Treaty and Final Documents of its Review Conferences, to pursue, in good faith, negotiations on providing universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, within the Conference on Disarmament, and bring them to a conclusion no later than 2023.